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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,749	02/07/2002	David Yee	220772009600	1603

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EXAMINER

CASAREGOLA, LOUIS J

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 07/21/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/071,749

Applicant(s)

YEE ET AL.

Examiner

Louis J. Casaregola

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-45 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Restriction Requirement

Restriction to one of the following inventions is required under 35 USC 121:

(I.) Claims 1-26, 29-32, 36/30, 37/36/30, 38/36/30, 39/36/30, 40/39/36/30, and 41/39/36/30 drawn to a method of operating a combustor bypass system classified in Class 60, subclass 773,

(II.) Claims 27 and 42-45 drawn to a method of operating a combustor bleed system classified in Class 60, subclass 782, and

(III.) Claims 28, 33-35, and 36/33, 37/36/33, 38/36/33, 39/36/33, 40/39/36/33, and 41/39/36/33 drawn to a combined method of operating a combustor bypass system and bleed system, classified in Class 60, subclass 772.

The inventions of Groups I-III above are distinct for the following reasons:

The inventions of Groups I and II are subcombinations which, though usable together, are also usable separately. Bypass control as specified in Group I does not require bleed control as specified in Group II, and vice versa.

The invention of Group III constitutes a combination relative to the sub-combinations in both of Groups I and II. The Group III combination however does not require all of the specific details in either one of the subcombination groups. Claim 28, for example, serves as an evidence claim indicating that steps such as adjusting bypass air flow to maintain a predetermined temperature range, to follow a predetermined temperature schedule, etc. are not necessarily required by the Group III combination.

Furthermore, the Group I and II subcombinations have separate utility as demonstrated by the fact that each subcombination is individually claimed separate from the other subcombination.

Because the inventions are distinct for the reasons given above and require separate classification and/or divergent fields of search, restriction for examination purposes as indicated is proper.

Applicants are advised that even in the event that the restriction requirement is traversed, the response to this requirement to be complete must include an election of the invention to be examined.

In addition to the above restriction between combination and subcombinations, further election of individual species is required.

Species Election

This application encompasses multiple species of the inventive subject matter. There are numerous different bases for adjusting bypass air flow including maintaining catalyst inlet combustion temperature within a predetermined range (e.g. claim 1), maintaining catalyst inlet combustion temperature according to a schedule based on exhaust temperature (claim 7), maintaining catalyst inlet combustion temperature according to a schedule based on load (claim 14), closed loop control based on

measured flow (claim 23), closed loop control based on valve position (claim 26), and schedules based on any one or more of the thermodynamic parameters recited in claim 30 (25 alternatives based on individual parameters and many further alternatives based on parameter combinations). There are also numerous different ways of adjusting bleed air flow corresponding to schedules based on any one or more of the many thermodynamic parameters recited in claim 43. Pursuant to 35 USC 121, applicants are required for a complete response to elect a single species of the bypass control if the Group I invention is elected, a single species of the bleed control if the Group II invention is elected, and a single species of both the bypass and bleed control if the Group III invention is elected. Applicants are further required to list all claims readable on the elected species including any claims subsequently added (MPEP 809.02(a)).

None of the present claims appear to be generic to all species.

Applicants are further advised that a mere argument alleging that a generic claim exists or is allowable will not satisfy a species election requirement. For a complete response, applicants must elect a single species and list the claims readable on that species as set forth above.

L. J. Casaregola
703-308-1027 (M-F; 7:30-4:00)
703-872-9302 FAX (9303 After Final)
July 21, 2003



LOUIS J. CASAREGOLA
PRIMARY EXAMINER